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From: Wesley B. Ames

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Date: March 29, 2004

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835

MESSAGE:

U.S. Application No. 09/385,287

09 835 287

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Notice of Appeal, in duplicate (4 pgs.)

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MAR 2 9 2004

# OFFICIAL

Atty. Dkt. No. 071957-1102

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

David R. Kaplan

Title:

Methods for Detecting an Analyte

of Interest Using Catalized Reporter

Deposition of Tyramide

Appl. No.:

09/835,287

Filing Date:

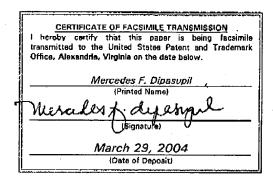
04/13/2001

Examiner:

Gailene Gabel

Art Unit:

1641



## NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals from the decision of the final rejection dated September 29, 2003, of the Examiner finally rejecting Claims 1-20 and 37.

- [X] Applicant claims small entity status.
- [X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- [X] Notice of Appeal Fee
  - [ X ]To be paid as detailed below
  - [ ]Not required (Fee paid in prior appeal)

In re Application of David R. Kaplan Application No. 09/835,287

Atty. Dkt. No. 071957-1102

The required fees are calculated below:

[X]	Notice of Appeal Fee	\$330.00
[X]	Extension for response filed within the third month:	\$950.00
[ ]	Extension:	\$0.00
[X]	FEE TOTAL:	\$1280.00
	Small Entity Fees Apply (subtract ½ of above):	\$640.00
	TOTAL FEE:	\$640.00

- [X] Please charge Deposit Account No. 50-0872 in the amount of \$640.00. A duplicate copy of this transmittal is enclosed.
- [ ] A check in the amount of \$640.00 is enclosed.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: March 29, 2004

FOLEY & LARDNER LLP

Customer Number: 30542

Telephone:

(858) 847-6714

Facsimile:

(858) 792-6773

Wesley B. Ames Attorney for Applicant Registration No. 40,893

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Gailene Gabel

Art Unit:

1641

# Mercedes F. Dipasupil (Printed Name) Viescells f. depastique (Signature) March 29, 2004 (Date of Deposit)

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Office, Alexandria, Virginia on the date below,

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